

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 13 1997

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 13 1997

The applicant **Ted R. Smitten Jr.**, hereby makes application for permission to change the **place of use of a portion** of water heretofore appropriated under **Truckee Carson Irrigation District Serial No. 569, 569-A United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in the Federal District Court of Nevada.**

1. The source of water is **Truckee and Carson Rivers**
2. The amount of water to be changed **51.80 Ac Ft**
3. The water to be used for **as decreed**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Lahontan Dam within SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T.19N., R.26E., M.D.B.&M.**
6. The existing permitted point of diversion is located within **no change.**
7. Proposed place of use **SW $\frac{1}{4}$ SW $\frac{1}{4}$ (3.66 ac) & SE $\frac{1}{4}$ SW $\frac{1}{4}$ (0.26 ac), Sec 29, T.19N R.28E. M.D.B.&M & NW $\frac{1}{4}$ NW $\frac{1}{4}$ (7.89 ac) & NE $\frac{1}{4}$ NW $\frac{1}{4}$ (2.99 ac), Sec 32, T.19N R.28E., M.D.B.&M. A TOTAL OF 14.80 AC.**
8. Existing place of use **NW $\frac{1}{4}$ NW $\frac{1}{4}$ (10.90 ac) & NE $\frac{1}{4}$ NW $\frac{1}{4}$ (3.90 ac), Sec. 32, T.19N, R28E, M.D.B.&M. A TOTAL OF 14.80 AC.**
9. Use will be from **as decreed** to of each year.
10. Use was permitted from **as decreed** to of each year.
11. Description of proposed works **Dams, canals, ditches**
12. Estimated cost of works **complete**
13. Estimated time required to construct works **Complete**
14. Estimated time required to complete the application of water to beneficial use **3 year**
15. Remarks: **Water will be delivered to the proposed place of use via the "V" Line Canal.**

By **s/Barry A. Fitzpatrick**
Barry A. Fitzpatrick, Lumos & Associates
137 Keddie Street
Fallon, Nevada 89406

Compared **cms/bk** cl/bk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 51.80 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed before:

N/A

Application of water to beneficial use shall be filed on or before:

September 29, 2000

Proof of the application of water to beneficial use shall be filed on or before:

October 29, 2000

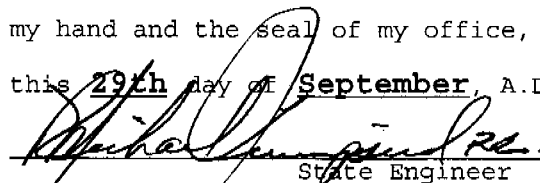
Map in support of proof of beneficial use shall be filed on or before:

October 29, 2000

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office,

this 29th day of September, A.D. 1997


State Engineer

Completion of work filed

N/A

Proof of beneficial use filed

MAR 14 2001

Cultural map filed

Certificate No. 16 244 Issued NOV 17 2003